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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 31st July 1952

No. 19/34/52-Elec.III.—In pursuance of the provisions of sub-section (1) of Section 90 of the Representation of the People Act, 1951 (XLIII of 1951), the following election petition presented under section 81 thereof is published for information.

SCHEDULE

Case No	No. before Election Commission	Name and address of the person whose election has been called in question	Name and address of the person by whom the election petition has been filed	Parliamentary Constituency
2.	52/52	H. Sita Rama Reddi, Minister of the Madras State, No. 8/2 Greensways Road, Adyar,	Y. Gadilingana Gowd, President, Panchayat Board, Gudhal, Bellary District	Kurnool

N. D. KRISHNA RAO,
Chairman, Election Tribunal.

IN THE COURT OF THE ELECTION TRIBUNAL, BELLARY

ELECTION PETN. No. 2 of 52

(Election Petition No. 52 of 1952, before the Election Commission, India.)

Between

Y. Gadilingana Gowd.—Petitioner.

And

- 1. H. Sita Rama Reddi.**
- 2. M. Venkatasubbayya Naidu.**

(1875)

3. Nadimulla Syed.

4. N. Vembu.—*Respondents.*

Petition filed by the petitioner under Section 81 of the Representation of the People Act, 1951, Act (XLIII of 1951) and Rule 119 of the Rules framed thereunder.

1. The petitioner is Y. Gadilingana Gowd, son of Gowdappa Gowd, aged about 44 years, Hindu, Landlord residing at Gudikal, Adoni Taluk, in the State of Madras.

The address for service of the petitioner is Y. Gadilingana Gowd, President, Panchayat Board, Gudikal, Bellary District.

2. The 1st respondent is H. Sita Rama Reddi, son of Bojji Reddi, aged about 48 years, Hindu, Minister of the Madras State, residing at No. 8/20 Greenways Road, Adyar, Madras.

The 2nd respondent is M. Venkatasubbayya Naidu aged 50 years, Hindu, Retired Sub-Inspector of Police, residing at 43/247 Narasingaraopet, Kurnool Town, Madras State.

The 3rd respondent is Nadimulla Syed, son of ———, aged about 30 years, Muslim, Advocate, residing at Narasingaraopet, Kurnool Town, Madras State.

The 4th respondent is N. Vembu, son of S. Naganatha Iyer, Hindu, aged about 55 years, Chartered Electrical Engineer, residing at Alur Road, Adoni, Madras State.

3. The petitioner was a candidate for election to the House of the People from the Kurnool Constituency of the Madras State and his nomination paper was accepted by the Returning Officer after due scrutiny. Respondents 1 to 4 were the other candidates whose nomination was accepted and whose names were included in the List of Valid Nominations published by the Returning Officer on 1st December 1951.

4. The Kurnool Constituency for the seat contested by the petitioner and respondents consists, according to the De-Limitation of Constituencies Order, of the Taluks of Kurnool and Pattikonda in the Kurnool District and the Taluks of Adoni, Alur and Siruguppa in the Bellary District.

The number of polling stations fixed and notified to the candidates was 256 having in all 563 polling booths.

5. The polling took place on 5th January 1952, the counting started at Adoni at 2 P.M. on 9th January, 1952 and ended at 5 P.M. on 12th January, 1952. At 6 P.M. on that day, the Returning Officer declared that the 1st respondent was the duly elected and returned candidate. The declaration of the result was published in the Gazette of India on 17th January, 1952. The petitioner has no knowledge yet of the notification in the Official Gazette of filing the return of election expenses with the necessary declarations by the 1st respondent. This petition is therefore filed in time.

6. The petitioner states that the election of the 1st respondent has not been fair and free and that the election of the 1st respondent has been brought about by the commission of corrupt practices with the connivance of the 1st respondent and his election and other agents. The petitioner also submits that there have been serious and flagrant violations of and non-compliance with, the provisions of the Representation of the People Act, 1951 and the mandatory provisions of the rules thereunder and that the results of the election has been materially affected by such violations of the Act and the Rules, such that the election of the 1st respondent has to be declared void and set aside.

7. The petitioner states that the election of the 1st respondent has been brought about by the commission in particular of the following major corrupt practices mentioned in section 123 of the Representation of the People Act by the 1st respondent, his election agent and his other agents as set down below:—

(a) The 1st respondent by himself, his election agent and other agents with the connivance of the 1st respondent and his election agent was guilty of the offence of bribery or the offering of illegal gratification for the purpose of procuring votes or support for his election contrary to the provisions of Section 123(1), of the Representation of the People Act, 1951 and that the election of the 1st respondent has been brought about by the commission of the said corrupt practice. (vide List No. 1 attached). In particular:

(1) The 1st respondent's brother-in-law, one Mr. H. Linga Reddy, who was and is Public Prosecutor of Bellary, who actively canvassed voters on behalf of the

1st respondent agreed, with the connivance of the 1st respondent or his agent not to oppose an application for bail filed by two persons Ayyappa Reddi and Chinna Reddi before the Sessions Judge of Bellary in consideration of the accused and his relatives canvassing voters for the 1st respondent as well as voting for him.

(2) The 1st respondent himself used his official influence as the Minister of the Madras State to procure administrative sanction for a sum of Rs. 15,000 out of the Panchayat Funds of Pattikonda in consideration of the voters of Pattikonda voting in favour of the 1st respondent.

(b) The petitioner states that with the connivance of the 1st respondent and his agent statements of fact which are absolutely false and which they either knew to be false or which neither the 1st respondent nor his agent could ever have believed to be true and which relate to the personal character and conduct of the petitioner, were published and widely circulated, contrary to the provisions of Section 123(5) of RPA and the petitioner submits that these statements were and are reasonably calculated to prejudice the petitioner's election and that as a matter of fact have led to his defeat.

(1) The petitioner has annexed to this petition copies of the handbills in Telugu and Canarese and craves leave to incorporate the contents of the said handbill as part of his petition. The said handbill contains 16 allegations and out of these all except paras. 2 and 7 are statements of facts which are false.

(2) The 1st respondent and his election agent knew these statements to be false or in any event could never have believed them to be true. The 1st respondent's election agent had about 30,000 copies of Telugu handbills printed in the first instance in the Sharada Printing Works, Adoni and got them published widely in the Constituency through the agency of several of his friends. As even this large number of copies was exhausted the 1st respondent's election agent H. Kesava Reddi had about 5,000 more copies printed at Kurnool in a press called Swatantra Printers. These handbills were also published and circulated in the Constituency by the 1st respondent's election agent Kesava Reddi. A Canarese translation of this Telugu handbill was also got printed and published and circulated by the said Kesava Reddi, but as these handbills in Canarese do not contain the name of the printer, the petitioner is unable to state by whom these were printed.

(3) The petitioner further states that the said Kesava Reddi procured one B. V. R. Reddi, a friend of his, to prepare the said handbill and sign the Telugu version under the pseudonym of the "Socialist Party, Adoni".

(4) The petitioner therefore states that the election of the 1st respondent is void on this ground also and the petitioner is entitled to have the same avoided by this Tribunal. (Further details and particulars regarding this ground are set out in the List No. 2 attached).

(c) On the polling day, viz., 5th January, 1952, with the connivance of the 1st respondent and his agents, voters were transported in Motor Vehicles to the polling booths contrary to the provisions of Section 123 (6) of RPA, 1951. (Details as per List 3 attached).

(d) The petitioner states that the 1st respondent has been guilty of procuring and using official influence for the purpose of inducing electors to vote for him contrary to the provisions of Section 123 (8) of the RPA, 1951 and that his election is void on that ground and has to be declared accordingly. In particular the 1st respondent procured and utilised the services of

(1) N. Venkatanarasa Reddi, Revenue Divisional Officer, Bellary, who toured with him in his constituency for election purposes—between the 5th and 9th November, 1951.

(2) Y. Pitchi Reddi, Assistant Secretary, Rayalaseema Development Board, who also attended the election meetings of the 1st respondent and who by his presence at these meetings where votes were canvassed, exercised undue influence.

(3) H. Linga Reddi, (the brother-in-law of the 1st respondent) Public Prosecutor of Bellary and therefore an official of the Madras Government, who actively canvassed votes for the 1st respondent at the instance of the latter and his election agent (Details as per List No. 4 attached).

8. The petitioner states that the return of election expenses filed by the 1st respondent and his election agent is false in material particulars and the petitioner submits that by reason thereof the 1st respondent has brought himself within the penal provision of Section 7(a), 141 and 143 of the Representation of the People Act, 1951 and has therefore to be disqualified as prescribed thereunder.

In particular the petitioner states that

(1) the statement in the declaration that the return was lodged on 29th February 1951 is not and could not be correct,

(2) the expenses incurred by the 1st respondent in conducting his election campaign from the date of his adoption as a Congress candidate to the date when he filed his nomination paper, have not been included in the return,

(3) the 1st respondent paid to Venkooanna, driver of the 1st respondent's motor vehicle (1152-0075) a sum of Rs. 60 as wages for the period when he was employed to drive the vehicle for his election purposes, but has not included this sum in his return,

(4) the salary and wages paid to other drivers of the said vehicle and other vehicles employed by the 1st respondent have also not been included as is obvious from the fact that though petrol bills totalling Rs. 2,846 have been shown in the return, the total wage that has been shown as having been paid to drivers does not exceed Rs. 100,

(5) the 1st respondent has not included in his return the moneys he has expended in printing handbills for his election campaign in the establishment known as Swatantra Printers, Kumbhoor to whom he has made a payment through his election agent of a total sum of Rs. 110 as the cost of printing these pamphlets and handbills including the handbill referred to in para 7(b) of this petition.

(6) the 1st respondent has also omitted in his return the amount paid by him for printing the Telugu handbill mentioned in para. 7(b) *supra* in the Sharada Printing Press, Adoni, and that he has not shown the expenses incurred for printing the Canarese translation of the said handbill.

9. The petitioner further states that the result of the election has been materially affected by the violation of and non-compliance with the sections of the Act and Rules made thereunder as enumerated here below, and the petitioner therefore submits that he is entitled to have the election of the 1st respondent declared void.

The Returning Officer has failed in his duty to do all acts and things necessary for effectually conducting the election as required by Section 24 of the Act and in particular.

(i) In the matter of the appointment of polling agents, due care was not exercised by the Returning Officer and the polling officers and as a consequence unauthorised persons were allowed to function at the booths particularly on behalf of the 1st respondent, thereby contravening Section 46 of the Representation of the People Act and Rules 12(1) and (3). This became possible by reason of the 1st respondent being the Minister in charge of the Revenue Department and subordinate officials of the department being the returning and polling officers.

(ii) The notices of the names of the candidates displayed outside and inside polling stations in the House of the People Constituency in respect of the election now in dispute were neither (a) in English nor (b) in the same order as in the published list of valid nominations, thereby contravening Rule 19(3)b.

(iii) (a) When the boxes were taken up for counting, the paper seals—the only sure device for safeguarding the interest of the candidates—were found defective and so affixed that boxes could be opened without those seals suffering any injury. The Returning Officer has certified that boxes could be and were in fact opened in his presence without injury to the paper seals. Out of a total of 2,825 boxes for the 5 candidates about 400 (of which about 100 belonged to the 1st respondent), were found in this condition, contravening Rule 21(5).

(b) The petitioner states that the presence of such a large number of ballot boxes with the paper seals not properly affixed affords adequate and convincing proof of tampering with the boxes and thus the irregularity has materially affected the result of the election.

(c) Most of the presiding officers at the polling stations and all the officers in charge of ballot boxes from the moment they left the polling stations to the counting room were officers belonging to the Revenue Department of the Madras State and thus official subordinates of the 1st respondent and consequently the inference to be drawn from the condition of the ballot boxes that they were tampered is greatly strengthened. The petitioner so far as he is aware, is informed that in no other constituency was there such a large proportion of ballot boxes in the condition in which they were in this constituency where the State Revenue Minister stood as a candidate.

(iv) After the close of the poll, the polling agents were not permitted to affix their own seals on the packets containing unused ballot papers, etc, thereby contravening Rule 32.

(v) The petitioner understands that the total number of ballot papers entered under Head No. 6 of Form 10 (under Rule 33) as received from the several polling stations does not tally with the total of ballot papers in the several boxes as found at the time of counting, thus proving that tampering of the boxes had taken place.

(vi) The ballot boxes were not placed in the polling compartments in the order of the names in the list of valid nominations, thereby contravening Rule 21(5).

(vii) The counting date was unnecessarily delayed thereby contravening Rule (41)1.

(viii) As in the course of the counting each box was brought and placed on the Returning Officer's table for checking, the Officer's attention was drawn to the existence of boxes with defective paper seals, but he gave no heed nor took suitable action. Thus Rule 46(1) has been contravened. The Returning Officer, however, assured the candidates that he was making a note of such boxes and agreed to the candidates making their own records, which was done.

(ix) Right from the commencement of the counting on through the 4 days on which it lasted, the Returning Officer would not disclose the number of votes polled at each booth and the aggregate total for the constituency, on the basis of the figures returned by the Presiding Officers. Despite oral and written requests made to him by the candidates, he refused to verify the accounts submitted by the Presiding Officers in the presence of the candidates as provided in Rule 49.

(x) The total number of polling booths notified to all the candidates just a week before the polling date was 783, but actually there appear to have been 563 booths and this fact was discovered by the candidates only during the counting of the votes. 2 booths seem to have been added in Adoni in Polling Station No. 91.

10. The elections for the Madras State Assembly and for the House of the People were both fixed for the same date. The 1st respondent was the official candidate for the Parliament from the Congress party. Sri T. G. Thirumiah Chetty was likewise nominated as the Congress candidate for the Assembly. Both of them were allotted the same symbol and worked together and for each other so that the one was the agent of the other for purposes of the election.

11. Reserve Bank of India Receipt for Rs. 1,000 (Rupees One Thousand only) being the deposit as security for the costs of this petition under Section 117 of the Act is herewith enclosed.

12. The petitioner therefore prays under Section 84 of the Act for a declaration under Section 98 that the Election of the 1st respondent H. Sita Rama Reddi is void.

Place: Madras.

Date: 14th March 1952.

PETITIONER.

I, Y. Gadlingana Gowd, the petitioner above-named, do hereby declare that what is stated in paragraphs 3, 4, 5, 6, 7(b), 8, 9, 10, 11 and 12 is true to my knowledge and what is stated in paragraphs 7(a), 7(c) and 7(d) is based on information and belief.

Place: Madras.

Date: 14th March 1952.

PETITIONER.

LIST UNDER SECTION 83(2) OF THE REPRESENTATION OF THE PEOPLE ACT, 1951.

LIST No. 1

DETAILS OF BRIBERY SET OUT IN PARA 7(a) OF THE PETITION

1. One Ramalinga Reddi, a rich landlord of Aligeri; Alur Taluk; was murdered on 21st August, 1951 at or about 5 P.M. In connection with this crime the police, filed a complaint against two Persons, Ayyappa Reddi and Chinna Reddi and the case for the prosecution was *inter alia* based upon a statement of eye-witnesses who claimed to have been present at the occurrence and witnessed the murder. The accused who are prominent, rich and influential persons of Aligeri Village and the surrounding locality, were on remand and detention after their arrest. They filed

an application for release on bail before the Magistrate which was dismissed due to the gravity of the crime and the fact that there were eye-witnesses to the occurrence. Thereupon they filed an application (Miscellaneous Petition No. 91 and 92 of 1951) before the Sessions Judge of Bellary for the same relief. The grant of bail was opposed by the Public Prosecutor Mr. H. Linga Reddi who is the brother-in-law of the 1st respondent and who actively canvassed support for the 1st respondent at his election. The learned Session Judge dismissed the application on 19th November 1951 on the ground that the case was one of murder in broad day-light for which there was an eye-witness.

Subsequently, the relations of Ayyappa Reddi and Chinna Reddy seem to have approached the first respondent or his friends and workers, including Linga Reddi, the Public Prosecutor, promising them active support for the candidature of the first respondent, if the accused in jail could be managed to be brought out on bail. Linga Reddi who worked for the 1st respondent throughout, the constituency canvassing votes for him agreed to this proposal and another application (Miscellaneous Petition No. 110 of 1951) was filed before the Sessions Judge with nearly identical allegations as before. As per the arrangements above-mentioned, the Public Prosecutor did not oppose the grant of bail and the Sessions Judge duly passed an order enlarging both the accused on bail, on a bond of Rs. 500 each and on two sureties for a like amount. The accused were released and they and their relations vigorously canvassed support for the 1st respondent. It should be added that the two accused were committed later to take their trial at the Session. They were tried and convicted of murder, the first accused being sentenced to death and the second to transportation for life. They were taken into custody only after sentence was pronounced by the Sessions Judge.

The petitioner states that the procuring of the release of the two accused constitutes the offence of illegal gratification as defined in the Representation of the People Act 1951 and as this offence has been committed with the connivance of the 1st respondent's Agent, Linga Reddi, the election of the respondent is void, and has to be set aside.

2. The petitioner further states that the 1st respondent was guilty of bribery or illegal gratification in using his official influence to procure administrative sanction for the expenditure of Rs. 15,000 out of the Panchayat funds of Pattikonda for the execution of a Protected Water Supply Scheme for the town of Pattikonda in consideration of the voters of Pattikonda casting their votes in his favour.

For the small town of Pattikonda which is part of the constituency for the House of the People seat, there was no protected water supply and the latest proposal of the Government in or before October 1951 was that out of the total cost of the Scheme, the inhabitants of Pattikonda were to raise Rs. 25,000 by public subscription, the balance of the estimated cost being shared between the Panchayat Board, the District Board of Kurnool and the Madras Government. The townspeople of Pattikonda got about Rs. 7,000 subscribed, but could not raise the balance of Rs. 18,000.

They desired to make it a condition of their support to any candidate that the people should be absolved from making this contribution. Accordingly Thomandra Venkataramayya, an influential citizen of the place and President of the Town Congress Committee, met one Chenna Reddi a relative of the 1st respondent and an active worker for his election, on 19th October 1951 at Dudekonda and informed him that if the 1st respondent desired to have the votes of the Pattikonda Town he should make arrangements to absolve the public from the liability to make the contribution proposed by the Government and that the liability for this amount should be taken over and distributed among the several authorities, viz., the Panchayat Board, District Board of Kurnool and the Government, in such manner as Government may deem fit. Chenna Reddi promised to meet the 1st respondent at Madras on 21st October 1951, discuss the matter with him and let Venkataramayya know the 1st respondent's re-action during the discussion. A few days later Chenna Reddi met Venkataramayya at Pattikonda and told him that the 1st respondent was agreeable and that the details would be personally discussed by H. Basavanna Gowd, the father-in-law of the 1st respondent who was put in possession of details by the 1st respondent and who was due shortly at Pattikonda.

Basavanna Gowd, an active worker for the 1st respondent met Venkataramayya on or about 2nd November 1951 in the shop of Jayarama Reddi, a cousin of the 1st respondent's wife and communicated to him that the 1st respondent was agreeable to influence the administrative sanction for the Panchayat Board of Pattikonda paying Rs. 15,000 out of Rs. 25,000 originally reserved to be raised by public subscription. Basavanna Gowd also authorised Venkataramayya to announce this to

the inhabitants of the town and canvass the whole-hearted support since their desire had been fulfilled. This was accordingly done. In the course of a tour by the 1st respondent ostensibly as a official tour between 5th November 1951 and 11th November 1951 but which was really an election tour, the 1st respondent visited Pattikonda Town on 9th November 1951 and at a public meeting held in the afternoon in Myuro Thope announced that administrative sanction would be accorded to the debiting of Rs. 15,000 to the Panchayat Board and they could look forward to early completion of the Water Supply Scheme.

Several prominent persons of the place were present, including among non-officials, N. Sankara Reddi, Assembly Candidate for the Kurnool Constituency and among officials, the District Superintendent of Police, the Inspector of Police, the Tehsildar, Y. Pitchi Reddi, Assistant Secretary, Rayalaseema Development Board, notwithstanding that this was an election meeting. This promise by the 1st respondent was kept and the administrative sanction was accorded, and intimation thereof was received in Pattikonda before the Polling Day. This factor was fully utilised by the 1st respondent in canvassing vote for himself. The petitioner respectfully submits that the 1st respondent has thus been guilty of the major corrupt practice set out in Section 123(1) of the Representation of the People Act, 1951 and that his election is void, and has to be set aside.

LIST No. 2

PUBLICATION OF FALSE STATEMENT OF FACTS IN RELATION TO THE PERSONAL CHARACTER OF THE PETITIONER—PARA. 7(b) OF THE PETITION]

1. The 1st respondent and his election agent finding that the voters in the petitioner's constituency were not inclined to support the 1st respondent, resorted to the publication of gross defamatory statements of facts in relation to the personal character and conduct of the petitioner which statements are entirely false and which the 1st respondent and his election agent knew to be false, these statements being designed and reasonably calculated to prejudice the prospects of the petitioner's election.

2. One B. V. R. Reddi was an ex-member of the Adoni Branch of the Socialist Party. The said B. V. R. Reddi is the brother-in-law of K. C. Thimma Reddi, Adoni, the latter being a relation of the 1st respondent and who in the recent election supported him and worked and canvassed for him. The 1st respondent's election agent H. Kesava Reddi got a handbill containing false and defamatory statements relating to the personal character of the petitioner prepared with the aid of the said B. V. R. Reddi which was not signed by any person but only bore the name of the Socialist Party, Adoni. The petitioner states that each one of 16 allegations contained in the handbill, copy of which is filed herewith, is a statement of fact relating to the petitioner's personal character and conduct and is wholly false and which statements were not believed to be true by the 1st respondent or his election agent and which are reasonably calculated to prejudice the petitioner's election and have in fact prejudiced the same.

3. The said H. Kesava Reddi had 30,000 copies of this handbill printed in the Sharada Printing Works, Adoni and these were delivered to him on or about 15th December 1951. (A copy of the said handbill is filed herewith and I crave leave to refer to the same part of the petition for the purpose of the allegations of fact contained therein.)

4. As these handbills were being delivered by the Sharada Printing Works, Adoni, viz., bundles of these leaflets were sent to several villages through the buses of M. G. Brothers and were also distributed in Adoni Town itself. As owing to this wide circulation even this large number of copies was exhausted, an order was placed for the printing of further copies at the press known as the Swatantra Printers, Kurnool: this also was by Kesava Reddi, the election agent of the 1st respondent. The further copies that were got printed were also circulated throughout the constituency. The petitioner is filing herewith a copy of this second edition of this handbill printed at Kurnool which also may be treated as part of this petition. The petitioner understands that on or about 28th December 1951, Kesava Reddi, the Election Agent of the 1st respondent handed over to the 4th respondent herein at Ajanta Hotel, Kurnool, a large number of copies printed at Kurnool for circulation when the latter went on his election work. The handing over took place at Kurnool and the petitioner understands that the 4th respondent circulated these handbills in Kurnool Taluk and also in the Taluks of the Bellary District. Further Kesava Reddi, the Election Agent of the 1st respondent handed

over to one Papanna Gowd these handbills for distribution at Gudikal on or about 29th December, 1951, and they were circulated by the said individual. Papanna Gowd was also an agent of the 1st respondent being one of his Polling Agents.

5. The petitioner understands that similar handbills in Canarese were also printed and distributed by the election agent of the 1st respondent. A copy of this handbill is enclosed herewith.

6. The Secretary of the Socialist Party, Adoni, on seeing this handbill wrote immediately to the petitioner on 16th December, 1951, disassociating himself from the allegations and made it clear that neither he nor his party had anything to do with this mean and libellous circular. This letter is filed herewith. On the same day H. Satyanarayana, the Socialist Assembly Candidate from Adoni and D. Lakshmana Setty, a prominent member of the Socialist Party of Adoni, wrote a joint letter to the petitioner disowning the Party's connection therewith and condemning the allegations and the authors in unmistakable terms. This letter is also enclosed herewith.

7. The petitioner states that it is clear that the 1st respondent and his agent have been instrumental in getting this handbill printed, published and circulated with a view to prejudice the election of the petitioner. The petitioner would here state that when he addressed election meetings in his constituency, copies of this handbill containing false statements of his personal character were produced by his opponents and he was questioned as regards their truth. Although he denied the charges the mischief which the 1st respondent and his agent designed to accomplish and the petitioner's chances were materially affected and gravely prejudiced. It is only just and proper that the election of the 1st respondent is declared void.

LIST No. 3

[DETAILS REGARDING TRANSPORT OF VOTERS TO POLLING BOOTHS— PARA. 7(c) OF THE PETITION]

1. On the date of the Polling, i.e., 5th January 1952, the vehicles bearing the following registration numbers (carrying on each of them the symbol of the Two Yoked Bulls which was the symbol of the 1st respondent) were among those employed by him to transport voters to and from the polling booths in Adoni:

1. MDB-659	7. MDB-768	13. MDB-818
2. MDB-759	8. MDB-1184	14. MDB-1251
3. MDB-524	9. MDB-1238	15. BYF-8425
4. MDB-469	10. MDB-1250	16. BMZ-8432
5. MDB-942	11. MSZ-6075	17. MDB-930
6. MDB-968	12. MDB-554	18. MDB-1285

19. OSMANABAD-54

2. All these vehicles carried electors to several polling booths during the day. Among these in particular may be mentioned:—

(a) Vehicle numbered 19 in the above list which while conveying electors and discharging them in front of polling station No. 92 at Adoni at about 9 A.M. on the 5th January 1952, was involved in an incident in the course of which it was taken to the Municipal Office compound where it was detained for some time.

(b) No. 11 in the list bearing Registration number MSZ-6075 is an Ex-Army Vehicle (Dodge), was purchased by H. Narayana Reddi, undivided brother and active worker for 1st respondent and registered at Madras on the 23rd November 1951. This vehicle was driven to the Constituency immediately thereafter for election work. On the polling day, this vehicle was seen transporting electors in Adoni Town to several Polling Booths, particularly from Mandigeri, Nadigageri, Kowdialpet, Kilchumpet, etc.—all parts of Adoni Town. At 10 A.M. it discharged voters at Polling Station No. 92 and its number and other particulars noted down. It did eleven trips altogether on that day and changed the drivers thrice.

One N. Ahmed Sahib who was actively canvassing for the 1st respondent at the latter's instance was the person who put the voters into this vehicle and he was seen doing this act with respect to vehicle No. 19 also in the 1st, 2nd, 4th and 15th Wards of Adoni Town. Owing to the action of the voters who got down from these two vehicles in immediately mixing themselves up with the crowds in polling station No. 92 and other stations the names of the voters thus conveyed could not be ascertained.

(c) **Vehicle No. 9 bearing Registration No. MDB-1238**, a Jeep belonging to Tekur Subramaniam of Bellary who stood as a Congress candidate to the House of People from the Bellary Constituency. Polling in Bellary was over on the 3rd January 1952 and thereafter this vehicle was placed at the disposal of the 1st respondent for his work. On the 5th January 1952, this vehicle was seen carrying electors to Polling Stations Nos. 140 and 141 at Ramadurgam. The Jeep carried a Congress Flag as a mascot on its bonnet. It carried voters to the said polling booths at 3 p.m. that day and objection was taken by two candidates to the presence of the Congress Flag on the bonnet as the vehicle drove into the precinct of the booth. In the course of the altercation that ensued 5 voters who were in the Jeep got down from the vehicle and mixed themselves with the crowd of voters inside the Polling Station thus rendering identification of the voters impossible.

The other vehicles listed above though they have been registered in the name of different individuals were all used by the 1st respondent or his agents or workers with the knowledge and connivance of the 1st respondent or his election agent for the transport of voters to the polling booths to enable these voters to vote for the Congress candidate, viz., the 1st respondent.

LIST No. 4

[DETAILS OF THE MISUSE OF OFFICIAL INFLUENCE CONTRARY TO SECTION 123(8) OF THE REPRESENTATION OF THE PEOPLE ACT—AS SET OUT IN PARA. 7(d).]

1. The 1st respondent was adopted as the official Congress candidate for the Parliamentary Seat from the Kurnool Constituency on the 31st October 1951. Immediately thereafter he started his election campaign by undertaking an election tour of the main towns and villages in the constituency in the guise of an official tour. This tour so far as this constituency is concerned was started on the 5th November 1951 and ended on 12th November 1951 on which latter date the 1st respondent reached Bellary and filed his nomination before the Returning Officer.

2. Between the 5th and 12th, the 1st respondent visited several places in the constituency in the same order as set out in the official tour programme, a copy of which is filed herewith. The 1st respondent addressed election meetings in the places set out in Column No. 1 and on the dates set out in Column No. 2.

Place	Date
Siruguppa	... 5-11-1951.
Sirigeri	... Do.
Karur	... Do.
Harivanam	... 6-11-1951.
Gejjihalli	... Do.
Wandavagli	... Do.
Holalagundi	... Do.
Hebbatam	... Do.
Kurukunda	... Do.
Muddanageri	... Do.
Alur	... Do.
Ramadurgam	... 7-11-1951.
Chippigiri	... Do.
Beldona	... Do.
Holebidu	... Do.
Manekurti	... Do.
Naganathahalli	... Do.
Narayanapuram	... Do.

Place	Date
Pedda Tumbalam	8-11-1951.
Chinna Tumbalam	Do
Madhavaram	Do.
Malepalli	Do.
Kambaladinni	Do.
Nandavaram	Do.
Yemmiganur	Do.
Gudikal	Do.
Kotekal	Do.
Virupapuram	9-11-1951.
Aspari	Do.
Devanabanda	Do.
Pattikonda	Do.

and other villages.

(a) **N. Venkatanarasa Reddi, R.D.O., Bellary.**—When the 1st respondent visited the foregoing places and addressed election gatherings in these places on the dates set out supra he was accompanied by Sri H. Venkatanarasa Reddy, R.D.O., Bellary, who travelled with the 1st respondent in his car and who accompanied him throughout the tour. The 1st respondent as the Minister in charge of the Revenue Department is the Official Head of the Department. As N. Venkatanarasa Reddy was a good friend of the 1st respondent, the said officer was transferred to the Adoni Division of the Bellary District after the 1st respondent became the Minister in charge of the Revenue Department. When the 1st respondent was away in Europe as a delegate to the International Labour Conference during the middle of 1951, on the orders of the Board of Revenue the said Venkatanarasa Reddy was transferred to the Tungabhadra Project. This transfer was effected on the 15th July 1951. When however the 1st respondent returned to India at the end of July 1951, he started making efforts to get his friend N. Venkatanarasa Reddy retransferred to Bellary as Revenue Divisional Officer, so that he might function as the Returning Officer for the Adoni and Siruguppa Constituencies. In such a position he would be in charge of the appointment of presiding officers of the several polling stations in the area, fixing their location and other matters relating to the election which would be common to both the Assembly and the House of the People seats from the same area. The re-transfer of this officer was effected in September 1951 and he appears to have taken charge as the Revenue Divisional Officer of Bellary on the 21st September 1951.

When the 1st respondent started his tour of his constituency on the 8th November 1951, this Officer accompanied him throughout and by his presence at the Election meetings impressed upon the voters the desirability of supporting the 1st respondent's candidature. By reason of the exercise of this undue influence contrary to the provisions of Section 123(8), the election of the 1st respondent is vitiated and has to be declared void.

(b) **Y. Pitchi Reddy.**—Similarly Y. Pitchi Reddy, a former Deputy Collector of Bellary and a protegee of the 1st respondent who was appointed to the post of Assistant Secretary to the Rayalaseema Development Board, Madras, of which the 1st respondent is the Chairman also accompanied him on the said tour and was present at the election meetings set out above. By reason of his executive post in the Development Board, the said official exercises great influence with the voters. By his presence at these meetings where votes were canvassed for the 1st respondent, the official of the State Government, Y. Pitchi Reddy exercised undue influence on the electors contrary to the provision of Section 123(8) of the Representation of People Act and the election of the 1st respondent is hereby avoided.

(c) **H. Linga Reddy.**—An Advocate of Bellary is the brother of the wife of the 1st respondent. Within a short time after the 1st respondent became a Minister

of the Madras State the said Linga Reddy got appointed as the Public Prosecutor of Bellary. The said Linga Reddy notwithstanding that as an official he was debarred by Section 123(8) of the Representation of the People Act from canvassing support for any candidate, actively interested himself in the election campaign of the 1st respondent. In the course of this he addressed election meetings in support of the 1st respondent at

- | | | |
|-----------------|---|-------------------------------|
| 1. Chintakunta | } | on or about 2nd December 1951 |
| 2. Kokkarachedu | | |
| 3. Siruguppa | | |
| 4. Desanur | | |
| 5. Harivanam | | |

to all of which places he proceeded from Bellary in his own car.

At CHINTAKUNTA among others Veerabhadrapappa and Mallanna Gowd who are both voters and influential persons attended the meeting. In fact the petitioner made a complaint about this illegal canvassing by Linga Reddy as improper to the Collector of Bellary by communication, dated November 2, 1951.

At KOKKARACHEDU among others Linganna Gowd and Veerabadra Gowd attended the meeting.

At SIRUGUPPA among others Virupakshayya, President of the Panchayat Board, Kuverlal, a merchant of the place, both of them voters attended the meeting.

At DESANUR among others Rama Reddy attended the meeting.

At HARIVANAM, Kottagi Hanumantappa, Krishnamurthy. H. S. Iswarayya were among those who attended the meeting.

In addition to the above, the said Linga Reddy was busy on the polling day moving about in his car canvassing at a number of Polling Centres and went inside the precincts of Polling Stations, making enquiries of the 1st respondent's agents as to how things were progressing. The petitioner understands that he was seen at Nemakallu polling station on this mission by the 4th respondent.

Place: Madras

Date: 14th March 1952.

Y. GADILINGANA GOWD,
Petitioner.

I, Y. Gadilingana Gowd, the petitioner above-named, do hereby declare that what is stated in List Nos. 1, 2, 3(b) is true to my knowledge and what is stated in List Nos. 3(a), 3(c) and 4 is based on information and belief.

Place: Madras.

Date: 14th March 1952.

Petitioner.

Court of the Election Tribunal, Bellary.

Dated the 31st July 1952.

N. D. KRISHNA RAO,
Chairman.

P. S. SUBRAMANIAN,
for Chief Election Commissioner.

